

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF LAND PROTECTION AND REVITALIZATION
OFFICE OF SPILL RESPONSE AND REMEDIATION

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SUBJECT: Discharges of Oil into Basements, Guidance Document LPR-SRR-2017-01

TO: Regional Directors

FROM: Justin Williams, Director, Division of Land Protection and Revitalization 

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Summary:

Aboveground storage tanks (ASTs), especially small heating oil ASTs, commonly are located in the basements of residences and businesses. The Office of Spill Response and Remediation issued guidance regarding discharges from these tanks as part of the Fourth Edition of the Storage Tank Program Technical Manual in 2011. Although the guidance issued in 2011 was reviewed and approved by the Storage Tank Program in both the regional offices and central office, staff has requested clarification of Section 2.3.4.3. This memo addresses that request and formally replaces Section 2.3.4.3 of the Fourth Edition of the Storage Tank Program Technical Manual dealing with discharges into basements or similar structures.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the public on DEQ's website at:
<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/PetroleumProgram/GuidanceRegulations.aspx>

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Discharges of Oil into Basements

Aboveground storage tanks, especially small heating oil tanks, commonly are found in basements and similar structures. This guidance replaces section 2.3.4.3 of the Fourth Edition of the Storage Tank Program Technical Manual.

2.3.4.3 Discharges into Basements/Similar structures

Home heating oil ASTs frequently are located within basements or other structures. While a basement or similar structure may contain oil spilled in that location for some duration, these structures are not considered secondary containment devices because they are not identified as such in any spill contingency plan nor are they specifically designed or intended to hold oil in the manner of a secondary containment device.

Catastrophic (i.e. large volume) discharges of oil in a basement or similar structure from a heating oil storage tank system are believed to constitute a “threat of a discharge” to state waters, land, or storm drain systems and must be reported to DEQ immediately upon discovery of the discharge. Notification is deemed to have been provided to DEQ if the spill is less than 25 gallons, does not reach surface waters, is cleaned up immediately; and the homeowner maintains a record of the incident.

Article 10 of State Water Control Law states that disbursements may be made from the fund for corrective action costs incurred for releases of petroleum from USTs exempted from the definition of underground storage tank (i.e. farm/residential USTs of 1100 gallons or less) and ASTs of 5000 gallons or less used for storing heating oil for use on the premises. A release is defined as “any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank or facility into ground water, surface water, or upon lands, subsurface soils or storm drain systems.

Basements or similar structures are not state lands, ground water, surface water, or storm drain systems. A catastrophic release of oil in a basement, however, represents a substantial threat of a discharge to the environment and also may result in health risks to the occupants of the structure.

The VPSTF is intended to provide reimbursement for reasonable and necessary corrective actions required to protect human health and the environment following petroleum releases. It may be necessary and appropriate for staff to authorize the removal and disposal of oiled materials from a structure (e.g. carpets, furniture, wallboard/sheetrock) in order to protect human health. Staff also may authorize cleaning of oiled materials if this is less expensive than removal and disposal. Staff should only authorize replacement of structural items that are necessary to return the affected portion of the structure to a safe and serviceable condition. As an example, staff may authorize the removal of oiled carpet remnants directly overlying a concrete slab and the cleaning of the concrete slab in order to address risks. Replacement of the carpet following cleaning of the underlying floor is not a necessary activity and will not be reimbursed by the fund.

Load-bearing structural elements contaminated by oil may pose special remedial challenges. Remediation of these elements via cleaning and sealing may be preferable to removal and replacement as this minimizes risks to the building's structural integrity. If cleaning and sealing will not reduce risks to acceptable levels or is not a viable or cost effective option, staff may authorize removal and replacement of these structural elements and the costs for a structural engineer as needed.

This guidance is intended to cover catastrophic discharges from heating oil ASTs located within basements. It is not intended to apply to drips or persistent leaks that could be deemed heating system maintenance issues. Decisions concerning cleanup reimbursement eligibility will be made on a case-by-case basis.